

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 10-74187

THOMAS F. MURPHY,

Chapter 7

Debtor.

Judge Thomas J. Tucker

MEMORANDUM SUPPLEMENTING BENCH OPINION

This case came before the Court for hearing on January 19, 2011 on two motions, one of which was a motion filed by Debtor entitled “Motion for Order for Contempt, Damages and Attorney Fees for Willful Violation of the Automatic Stay and Creditor Misconduct” (Docket # 18, the “Motion”). At the conclusion of the hearing, the Court delivered a bench opinion on the Motion.

This Memorandum supplements the Court’s bench opinion, and the Order filed on January 19, 2011 (Docket # 29) in order to cite, for the parties’ information, the following authorities concerning the question of whether the provision in the Consent Judgment of Divorce entered on April 9, 2009, requiring Debtor Thomas F. Murphy to pay \$2,500.00 in attorney fees to Dayna Milbrand, is “in the nature of alimony, maintenance, or support” within the meaning of 11 U.S.C. § 101(14A)(B):

1. *Long v. Calhoun (In re Calhoun)*, 715 F.2d 1103 (6th Cir. 1983)
2. *Goans v. Goans (In re Goans)*, 271 B.R. 528 (Bankr. E.D. Mich. 2001)
3. *Smith v. Smith (In re Smith)*, 131 B.R. 959 (Bankr. E.D. Mich. 1991)
4. *See also* this Court's discussion of the foregoing cases in the transcript of the bench opinion filed in the case of *LeFleur v. Parish*, Case No. 09-5436, at Docket # 99, beginning at pages 10-11.

Signed on January 21, 2011

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge